

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL DAVID GRANT, SR.,

No. C 07-2696 MHP (pr)

Plaintiff,

ORDER OF DISMISSAL

v.

CALIFORNIA DEPT. OF
CORRECTIONS AND
REHABILITATION, etc.; et al.,

Defendants.

Michael David Grant, formerly a prisoner of the state of California, filed a petition for writ of mandamus under 28 U.S.C. § 1651(a). He also applied to proceed in forma pauperis.

The court must dismiss an in forma pauperis action at any time if the court determines that the allegation of poverty is untrue, the action is frivolous or malicious, the action fails to state a claim upon which relief may be granted, or seeks monetary relief against a defendant immune from such relief. See 28 U.S.C. § 1915(e). Section 1915(e)(2) allows judges the unusual power to pierce the veil of the complaint's factual allegations and dismiss as frivolous those claims whose factual contentions are clearly baseless. See Denton v. Hernandez, 504 U.S. 25, 32 (1992). Examples are claims describing fantastic or delusional scenarios. See Neitzke v. Williams, 490 U.S. 319, 328 (1989). Pro se pleadings must be liberally construed, however. See Balistreri v. Pacifica Police Dep't, 901 F.2d 696, 699 (9th Cir. 1990).

1 In his petition, Grant alleges that he had some dental work done while he was a
2 prisoner in a state prison in Chino in 1998. He further alleges that, without his knowledge or
3 consent, the dentist implanted an illegal microchip GPS device into his teeth instead of dental
4 fillings. Grant further alleges that the secret microchip has allowed his movements to be
5 tracked. He has been tracked and followed 24 hours a day/7 days a week by satellites,
6 military helicopters, drone spy planes, and secret government agents over the years as he
7 goes about his life in the Victorville area. The petition is clearly delusional and therefore
8 will be dismissed as frivolous.

9 The court notes that Grant is listed as a plaintiff/petitioner in 29 actions filed in the
10 Central District of California, one of which may have been a duplicate of the claims as he
11 presents here. The order denying Grant leave to proceed as a pauper in Grant v. Victor
12 Valley Towing, C. D. Cal. No. EDCV 06-00164 stated that the complaint was "legally and/or
13 factually patently frivolous" and described it as alleging that "government officials and
14 private entities acted in concert to surreptitiously implant tracking/filming/listening devices
15 in plaintiff's teeth, leg, and vehicles." The filing of a duplicative action would be a separate
16 reason for dismissal, but the court need not obtain a copy of the complaint in the Central
17 District case to decide whether the claims are the same because the petition is being
18 dismissed based on its delusional nature.

19 The petition is clearly delusional and therefore is dismissed as frivolous. The in forma
20 pauperis application is DENIED. The clerk shall close the file.

21 IT IS SO ORDERED.

22 Dated: August 6, 2007


Marilyn Hall Patel
United States District Judge